



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Martin O'Malley  
Governor

Robert M. Summers, Ph.D.  
Secretary

Anthony G. Brown  
Lieutenant Governor

Kathy M. Kinsey  
Deputy Secretary

## DISCHARGE PERMIT

**NPDES Discharge**  
**Permit Number:** MD0021091

**State Discharge**  
**Permit Number:** 10-DP-2530

**Effective**  
**Date:** 10/01/2011

**Expiration**  
**Date:** 09/30/2016

**Modification** (Not  
**Date:** applicable)

**Reapplication Due**  
**Date:** 04/01/2014

Pursuant to the provisions of Title 9 of the Environment Article, Annotated Code of Maryland, and regulations promulgated thereunder, and the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq., and implementing regulations 40 CFR Parts 122, 123, 124 and 125, the Department of the Environment hereby establishes conditions and requirements pertinent to the wastewater treatment plant and collection system and authorizes:

U. S. Department of the Interior  
National Park Service  
Assateague Island National Seashore  
7206 National Seashore Lane  
Berlin, Maryland 21811

**TO DISCHARGE FROM:** Assateague Island National Seashore Wastewater Treatment Plant

**LOCATED AT:** Route 611, Visitor Center  
7206 National Seashore Lane  
Berlin, Maryland 21811

**THROUGH OUTFALL:** 001 (WWTP Effluent)  
002 (WWTP Effluent for Reuse)

**TO:** Outfall 001 discharges to the Sinepuxent Bay, designated as Use II waters protected for Shellfish Harvesting; in accordance with the following special and general conditions and a map incorporated herein and made a part hereof.

## I. DEFINITIONS

- A. "Ambient temperature" of the effluent receiving stream means the water temperature that is not impacted by a point source discharge, and it shall be measured in areas of the stream representative of typical or average conditions of the stream segment in question.
- B. "Bypass" means the intentional diversion of pollutants from any portion of a treatment or collection facility.
- C. "BOD<sub>5</sub> (Biochemical Oxygen Demand)" means the amount of oxygen consumed in a standard BOD<sub>5</sub> test without the use of a nitrification inhibitor at 20 degree centigrade on an unfiltered sample.
- D. "Clean Water Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251 et seq.
- E. "CFR" means the Code of Federal Regulations.
- F. "COMAR" means the Code of Maryland Regulations.
- G. "Department" means the Maryland Department of the Environment (MDE).
- H. Discharge Limits
  - 1. "Maximum daily average" limit means the highest of the daily averages in a calendar month. The daily average concentration of a parameter (in mg/l) shall be calculated by dividing total of measurement readings by number of sample collected during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily average loading rate of a parameter (in pounds/day) is calculated by using this formula {daily average concentration (mg/l) x the same day total flow (in million gallons) x 8.34}.
  - 2. "Maximum weekly average" limit means the highest allowable weekly averages in a calendar month. Each individual weekly average concentration of a parameter shall be calculated by dividing the total concentrations of all samples for a parameter by the number of samples collected and measured in the same calendar week. The weekly average loading rate of a parameter (in pounds/day) is calculated by using the formula {weekly average concentration, mg/l x total weekly flow, million gallons (MG) x 8.34}. The calendar week runs from Sunday through Saturday. If a week spans two calendar months, the individual weekly average for that week shall be included as the first weekly average in the second month Discharge Monitoring Report (DMR). For example, the weekly average for Sunday, June 27 through Saturday, July 3 will be included in the DMR for July).
  - 3. "Maximum monthly average" limit means the highest allowable monthly average calculated by dividing total load (and concentration, if appropriate) of all daily discharges sampled and/or measured during a calendar month by the number of daily discharges sampled and/or measured during such month. The monthly average load of a parameter (in pounds/day) is calculated by using the formula {monthly average concentration, mg/l x total monthly flow, million gallons (MG) x 8.34}.
  - 4. "Minimum or maximum" limit means the lowest or highest allowable value measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

**I. DEFINITIONS**

5. "Total monthly loading rate (in pounds/month)" value means total load of a parameter calculated for each calendar month. For each calendar month, it is calculated using this formula  $\{(\text{monthly average concentration in mg/l}) \times (\text{Total monthly flow in Million Gallons}) \times 8.34\}$ .
  6. "Annual Maximum Loading Rate (in pounds/year)" limit means the highest allowable total load of a parameter calculated for a calendar year. It is calculated as the sum of the individual Total Monthly Loading Rates from January through December of the current calendar year.
  7. "Year-to-date Cumulative load (pounds)" value means cumulative load of a parameter through the reporting month in a calendar year. It is calculated as a sum of the individual total monthly loads from January through the reporting month in a calendar year.
  8. "Monthly log mean (Monthly geometric mean)" limit means the highest allowable value calculated as the logarithmic or geometric mean of all samples taken in the calendar month. The geometric mean is the antilogarithm of the mean of the logarithms.
- I. Discharge Monitoring
1. "Composite sample" means a combination of individual samples obtained at hourly or smaller intervals over a time period. Either the volume of each individual sample is proportional to discharge flow rates or the sampling interval (for constant volume samples) is proportional to the flow rates over the time period used to produce the composite.
  2. "Grab sample" means an individual sample collected over a period of time not exceeding 15 minutes.
  3. "Estimated flow" value means a calculated volume or discharge rate which is based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters, and batch discharge volumes.
  4. "Measured flow" value means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.
  5. "Recorded flow" means any method of providing a permanent, continuous record of flow including, but not limited to, circular and strip charts.
  6. "Monthly average flow" means the total flow for a calendar month divided by the number of days in the same month.
- J. "NPDES (National Pollutant Discharge Elimination System)" means the national system for issuing permits as designated by the Clean Water Act.
- K. "Nondetectable Level" for total residual chlorine means a residual concentration of less than 0.10 mg/l as determined using either the DPD titrimetric or chlorimetric method or an alternative method approved by the Department.
- L. "Outfall" means the location where the effluent is discharged into the receiving waters.



## I. DEFINITIONS

- M. "Overflow" means any loss of wastewater or discharge from a sanitary sewer system, combined sewer system or wastewater treatment plant bypass (as defined in I.B) which results in the direct or potential discharge of raw, partially treated wastewater into the waters of the State.
- N. "Permittee" means an individual or organization holding the discharge permit issued by the Department.
- O. "POTW" means a publicly owned treatment works.
- P. "Sampling Point" means the effluent sampling location in the outfall line(s) downstream from the last addition point or as otherwise specified.
- Q. "Sanitary Sewer Overflow (SSO)" means a discharge of untreated or partially treated sewage from a separate sewer system before the sanitary wastewater reaches the headworks of a wastewater treatment facility, pursuant to COMAR 26.08.10.01.
- R. "Significant Industrial User (SIU)" is defined as any industrial user (IU) that:
1. is subject to national categorical standards; and
  2. any other IU that:
    - a. discharges an average of 25,000 gallons per day or more of process wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater); or
    - b. contributes a process wastestream that makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW; or
    - c. is designated as such by the POTW on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
    - d. is found by the POTW, the Department, or the Environmental Protection Agency (EPA) to have significant impact either individually or in combination with other contributing industries to the POTW, on the quality of the sludge, the POTW's effluent quality, or air emissions generated by the system.
- S. "TKN (Total Kjeldahl Nitrogen)" means organic nitrogen plus ammonia nitrogen.
- T. "TSS (Total Suspended Solids)" means the residue retained on the filter by an analysis done in accordance with Standard Methods or other approved methods.
- U. "Upset" means the exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

## II. SPECIAL CONDITIONS

### A. Effluent Limitations, Outfall 001 <sup>(1)(2)(3)</sup>

The quality of the effluent discharged by the facility at a discharge point location- 001 shall be limited at all times as shown below:

Effluent Characteristics	Maximum Effluent Limits					
	Monthly Average Loading Rate, Pounds/day	Weekly Average Loading Rate, Pounds/day	Daily Average Loading Rate, Pounds/day	Monthly Average Concentration, mg/l	Weekly Average Concentration, mg/l	Daily Average Concentration, mg/l
BOD <sub>5</sub>	1.0	1.5	N/A	10	15	N/A
TSS	1.0	1.5	N/A	10	15	N/A
Total Nitrogen as N <sup>(4)</sup>	0.30	0.45	N/A	3.0	4.5	N/A
Total Phosphorus-P <sup>(4)</sup>	0.03	0.045	N/A	0.30	0.45	N/A

Effluent Characteristics	Effluent Limits	
	Maximum	Minimum
Fecal Coliform	14 MPN/100 ml monthly median value	N/A
Total Residual Chlorine <sup>(5)</sup>	UV used	N/A
pH	8.5	6.5
Dissolved Oxygen	N/A	5.0 mg/l at anytime

An annual average flow of 0.012 million gallons per day (mgd) was used in waste allocation calculations and this unit should be used when reporting on the Discharge Monitoring Report (DMR), (EPA Form 3320-1, Rev. 01/06). Notification is to be provided to the Department at least 180 days before the annual average flow is expected to exceed this flow level. If a permit modification is required, the Department will initiate the public participation NPDES process.

#### Footnotes for Effluent Limitations:

- (1) When this permit is renewed, the new limitations may not be equal to the above limitations. There shall be no discharge of floating solids or visible foam other than trace amounts.
- (2) The permit may also be reopened in accordance with the requirements of MDE's Watershed Permitting Plan under which all discharge permits in a watershed are issued the same year.
- (3) The Sinepuxent Bay is on the 303(d) list as the impaired waters for nutrients, dissolved oxygen and fecal coliform. A Water Quality Assessment (WQA) was approved by the EPA on 5/9/2005 to delist impairment due to fecal coliform from the 303(d) list. When TMDLs for other remaining parameters are completed, limits may be imposed, after the public participation process, to incorporate any TMDL requirements.
- (4) The permittee may request that the permit be reopened and modified to include nutrient trading consistent with the most current "Maryland Policy for Nutrient Cap Management and Trading in Maryland's Chesapeake Bay Watershed" in effect at that time.
- (5) Total residual chlorine limitation of 0.10 mg/l maximum at any time shall be applicable only if chlorine or any chlorine-containing compound is used in the wastewater treatment. The wastewater shall be dechlorinated to reduce effluent total residual chlorine concentration to the nondetectable level (See definition I.K).

## II. SPECIAL CONDITIONS

### B. Limitations for WWTP Effluent Reuse, Outfall 002 <sup>(1) (2)</sup>

Reclaimed water used for toilet flushing shall meet the following effluent quality with the sampling frequency indicated:

Parameter	Class IV Water quality limitation <sup>(3)</sup>	Sampling Frequency	Sample Type
Biochemical Oxygen Demand (5 day) (monthly average)	10 mg/l	Weekly	8 hr Composite
Turbidity (NTU)	2 NTU (daily average) Not to exceed 5 NTU at any time	Continuous	Recorded
E. coli (MPN per 100 mL Monthly Geometric Mean) Or meet the Fecal Coliform limit below	10	Weekly	Grab
Fecal Coliform (all samples) (MPN per 100 mL)	2.2 MPN/100 ml	Weekly	Grab
pH	6.5-8.5	Daily	Grab
Total residual chlorine (all samples)	0.5-4.0 mg/l	Daily	Grab

- (1) This permit authorization does not relieve the permittee of its obligations to local or municipal authorities such as any applicable local plumbing codes, inspection and certification requirements.
- (2) This permit may be reopened to implement requirements of any new regulations applicable to reclaimed water.
- (3) Use of Reclaimed water for toilet flushing shall be terminated if the water quality limitation is violated. Use of Reclaimed water can be resumed once the water quality limitation can be steadily met.

**II. SPECIAL CONDITIONS****C. Minimum Monitoring Requirements for Outfall 001:**

The effluent characteristics listed below shall be monitored as follows:

<u><b>Effluent Characteristics</b></u>	<u><b>Measurement Frequency</b></u>	<u><b>Sample Type</b></u>
BOD <sub>5</sub> <sup>(6)</sup>	One/week	8 hr. Composite
Total Suspended Solids <sup>(6)</sup>	One/week	8 hr. Composite
Total Ammonia Nitrogen as N <sup>(6)(7)</sup>	One/month	8 hr. Composite
Total Phosphorus as P <sup>(6)(8)</sup>	One/week	8 hr. Composite
Total Nitrogen as N <sup>(6)(8)</sup>	One/week	8 hr. Composite
(Nitrite + Nitrate) as N <sup>(6)(7)</sup>	One/month	8 hr. Composite
Organic Nitrogen as N <sup>(6)(7)</sup>	One/month	8 hr. Composite
Orthophosphate as P <sup>(6)(7)</sup>	One/month	8 hr. Composite
Fecal Coliform <sup>(6)</sup>	One/week	Grab
Total Residual Chlorine <sup>(6)(9)</sup>	One/day	Grab
Dissolved Oxygen <sup>(6)</sup>	One/day	Grab
pH <sup>(6)</sup>	One/day	Grab
Flow <sup>(6)(10)(12)</sup>	Continuous	Recorded <sup>(11)</sup>



## II. SPECIAL CONDITIONS

### C. Minimum Monitoring Requirements, Continued:

*Footnotes for the monitoring requirements, continued:*

- (6) "STORET" (short for STOrage and RETrieval) is a widely-used repository for water quality data reporting and monitoring. The STORET codes for the effluent characteristics described as limitations and/or monitoring requirements are: BOD<sub>5</sub> (00310), Total Suspended Solids (00530), TKN (00625), Total Ammonia Nitrogen as N (00610), Total Phosphorus as P (00665), Total Nitrogen as N (00600), (Nitrite + Nitrate) as N (00630), Organic Nitrogen as N (00605), Orthophosphate as P (04175), Fecal Coliform (74055), E. Coli (51040), Total Residual Chlorine (50060), Dissolved Oxygen (00300), pH (00400) and Flow (50050).
- (7) Monitor only parameters (Ammonia-N, Organic-N, (Nitrite + Nitrate)-N and Orthophosphate as P) shall be reported on the Monthly Operating Report (MOR) as individual results and on the Discharge Monitoring Report (DMR), (EPA Form 3320-1), as a monthly average concentrations.
- (8) TN and TP concentrations will be reported on the monthly DMR as a monthly average. Total nitrogen is the sum of Total Ammonia- N, Organic-N and (nitrite + nitrate)-N. All nitrogen parameters shall be measured on the same daily samples.
- (9) The minimum monitoring requirements of One per day-grab sample for total residual chlorine shall be applicable, only when the wastewater at the Assateague Island National Seashore Wastewater Treatment Plant is treated with chlorine or any chlorine compound. The minimum detection level (quantification level) for total residual chlorine is 0.10 mg/l. The permittee may report all results below the minimum level as <0.10 mg/l. All results reported below the minimum level shall be considered in compliance.
- (10) Flows shall be reported in millions gallons per day (mgd) to at least the nearest **1,000** gallons per day. (Example: A flow of **524,699** gallons per day shall be reported as **0.525** mgd.). For each calendar month, flows shall be reported on the MOR as daily individual results and on the DMR as monthly average (mgd) and daily maximum (mgd).
- (11) Continuous electronic flow measurement and recording which can produce a permanent record are acceptable to the Department.
- (12) **Total monthly flow** is a calculated parameter equal to sum of the daily flow results in a calendar month. It shall be reported on the monthly DMR as Total monthly flow in millions gallons (MG) to at least the nearest **1,000** gallons. (Example: A flow of **1,524,699** gallons shall be reported as **1.525** MG).



## II. SPECIAL CONDITIONS

### D. Influent Restriction

#### Non-Domestic Wastewater Control Program

1. The permittee shall notify MDE at least 60 days prior to the anticipated introduction of wastewater from a significant industrial user or process.  
If MDE determines that the proposed wastewater contribution has the potential to substantially increase the influent loading of toxic pollutants from current conditions and requires modification of the permit to establish effluent limitations and/or monitoring requirements, it shall notify the permittee of this determination within 30 days of the receipt of the permittee's notification. Proposed discharges shall be deemed to be approved unless the permittee receives the above notification from MDE.
2. The permittee shall notify MDE as soon as they know, or have reason to believe, that:
  - a. Any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, or any toxic pollutant which is not limited in the permit, if that discharge will exceed one hundred micrograms per liter; or
  - b. Any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, or a toxic pollutant which is not limited in the permit, if that discharge will exceed five hundred micrograms per liter.
3. A significant industrial process is one covered by a categorical standard, one that discharges 25,000 gallons per day of process wastewater, one that is greater than 5% of the hydraulic or organic capacity of the treatment plant or one that has the potential to cause a violation of this permit.

### E. Protection Of Water Quality

It is a violation of this permit to discharge any substance not otherwise listed under the permit's "Effluent Limitations and Monitoring Requirements" special conditions at a level which would cause or contribute to any exceedance of the numerical water quality standards in COMAR 26.08.02.03 unless the level and the substance were disclosed in writing in the permit application prior to the issuance of the permit. If a discharge regulated by this permit causes or contributes to an exceedance of the water quality standards in COMAR 26.08.02.03, including but not limited to the general water quality standards, or if the discharge includes a pollutant that was not disclosed or addressed in the public record for the permit determination, the Department is authorized to modify, suspend or revoke this permit or take enforcement action to address unlawful discharges of pollutants.

## II. SPECIAL CONDITIONS

### F. Reapplication for a Permit

No later than April 1, 2014, unless permission for a later date has been granted by the Department, the permittee shall submit a new application for a permit or notify the Department of the intent to cease discharging by the expiration date. In the event that a timely and complete reapplication has been submitted and the Department is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit continue and remain fully effective and enforceable. The renewal application is required by that date in accordance with the requirements of MDE's Watershed Permitting Plan under which all discharge permits in a watershed should be issued in the same year.

### III. GENERAL CONDITIONS

#### A. Monitoring and Reporting

##### 1. Representative Sampling

Samples and measurements shall be taken at times that are representative of the quantity and quality of the discharge, and at evenly spaced intervals.

##### 2. Monthly Monitoring Results

###### a. Discharge Monitoring Reports

Monitoring results obtained each month shall be summarized on a Discharge Monitoring Report form (EPA No. 3320-1). The permittee shall submit the Discharge Monitoring Reports to the Department postmarked no later than the 28th of the month following the reporting month. A signed original plus a copy of these reports shall be submitted to:

Attention: Discharge Monitoring Reports  
WMA - Compliance Program  
Maryland Department of the Environment  
1800 Washington Boulevard, STE-425  
Baltimore, MD 21230-1708

###### b. Monthly Operating Reports

The permittee shall submit monthly operating reports on a form acceptable to the Compliance Program. A signed original plus a copy of these reports shall be submitted to the Compliance Program postmarked no later than the 28th day of the month following the reporting month.

###### c. Toxic Chemical Reporting

Any data collected according to MDE's Water Management Administration "Toxic Pollutant Analytical Protocol and Reporting Requirements for Toxic Chemical Testing Analytical Data" (4/09) being submitted to the Department, either in fulfillment of Special Conditions II.B or pursuant to the toxic chemical testing requirement, pretreatment requirements or toxic metals or organic data collected on a voluntary basis, must be accompanied by laboratory data reports. At a minimum, these reports shall include, the name of the facility, the date(s) of sampling, beginning and ending sample time, place of sampling collection, the sample type (grab, composite, etc.), the sample



### III. GENERAL CONDITIONS

description (influent or effluent), the preservation method, the analytical method used for each parameter, the analytical method detection limit, the date of analysis, the name of person performing the analysis, the analytical result, and the name and address of the laboratory performing the analyses. Chain-of-custody forms shall also be submitted. This information, along with the supporting documentation, shall be submitted to:

Attention: Toxic Chemical Data  
WMA – Compliance Program  
Maryland Department of the Environment  
1800 Washington Boulevard, STE 420  
Baltimore, Maryland 21230-1708

3. Sampling and Analysis Methods

Analytical and sampling methods shall conform to test procedures for the analysis of pollutants as identified in 40 CFR Part 136 - "Guidelines Establishing Test Procedures for the Analysis of Pollutants."

4. Monitoring Equipment Maintenance

- a. The permittee shall calibrate and maintain all monitoring and analytical instrumentation to ensure accuracy of measurements.
- b. Environment Article, Section 9-343 provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

5. Recording of Results

For each measurement or sample taken pursuant to the requirements of the permit, the permittee shall record the following information:

- a. the date, exact place and time of sampling or measurement;
- b. the person(s) who performed the sampling or measurement;
- c. the dates analyses were performed;
- d. the person(s) who performed each analysis;

### III. GENERAL CONDITIONS

- e. the analytical techniques or methods used; and
- f. the results of such analyses.

6. Additional Monitoring by Permittee

If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved analytical methods as specified above, the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report form (EPA No. 3320-1). The increased frequency shall also be reported. The results of any other monitoring performed by the permittee shall be made available to the Department upon request.

7. Record Retention

All data used to complete the permit application and all records and information resulting from the monitoring activities required by this permit, including all records of sampling and analyses performed, calibration and maintenance of instrumentation, and recordings from continuous monitoring instruments, shall be retained for a minimum of three years. This period shall be extended automatically during the course of litigation or when requested by the Department.

B. General Requirements

1. Permit Noncompliance - Notification Requirements

All discharges authorized herein shall be consistent with the terms and conditions of this permit. If, for any reason, the permittee does not comply with or will be unable to comply with any permit condition, the permittee shall, within 24 hours, notify the Department by telephone at (410) 537-3510 during work hours or at (866) 633-4686 during evenings, weekends, and holidays. The permittee shall provide the Department with the following information in writing within five days of such oral notification.

- a. a description of the noncomplying discharge including the name of the stream and the impact upon the receiving waters;
- b. cause of noncompliance;
- c. the duration of the period of noncompliance and the anticipated time the condition of noncompliance is expected to continue;

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- d. steps taken by the permittee to reduce and eliminate the noncomplying discharge;
- e. steps to be taken by the permittee to prevent recurrence of the condition of noncompliance;
- f. a description of the accelerated or additional monitoring to determine the nature and impact of the noncomplying discharge; and
- g. the results of the monitoring described in f. above.

#### 2. Change in Discharge

The permittee shall report any anticipated facility expansions, production increases, or process modifications which will result in new, different or an increased discharge of pollutants by submitting a new application at least 180 days prior to the commencement of the changed discharge except that if the change only affects a listed pollutant and will not violate the effluent limitations specified in this permit, by providing written notice to the Department. Following such notice, the permit may be modified by the Department to include new effluent limitations on those pollutants.

#### 3. Facility Operation and Quality Control

All waste collection, control, treatment and disposal facilities shall be operated in a manner consistent with the following:

- a. Facilities shall be operated efficiently to minimize upsets and discharges of excessive pollutants.
- b. The permittee shall provide an adequate operating staff qualified to carry out operation, maintenance and testing functions required to ensure compliance with this permit. Superintendents and operators must be certified by the Board of Waterworks and Waste Systems Operators located at Montgomery Park Business Center, 1800 Washington Boulevard, STE- 410, Baltimore, Maryland 21230 in accordance with Title 12 of Environmental Article, Annotated Code of Maryland.
- c. Facility maintenance work, which adversely affects or may adversely affect the discharge quality shall be scheduled during non-critical water quality periods.



### III. GENERAL CONDITIONS

4. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of this State, human health or the environment resulting from noncompliance with any effluent limitations specified in this permit, and must perform accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

5. Bypassing

Any bypass of treatment facilities is prohibited unless the bypass does not cause any violations of the effluent limitations specified in Special Condition II.A, and is for essential maintenance to assure efficient operation, or unless the permittee can prove that:

- a. the bypass is unavoidable to prevent loss of life, personal injury, or substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources; and
- b. there are no feasible alternatives to the bypass; and
- c. the Department receives notification pursuant to General Condition III.B.1 above. Where the need for a bypass is known (or should have been known) in advance, this notification shall be submitted to the Department for approval at least ten days before the date of the bypass or at the earliest possible date if the period of advance knowledge is less than ten days; and
- d. the bypass is allowed under conditions approved by the Department to be necessary to minimize adverse effects.

6. Conditions Necessary for Demonstration of Upset

An upset shall constitute an affirmative defense to an action brought for noncompliance with technology-based effluent limitations only if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence, that:

- a. an upset occurred and that the permittee can identify the specific cause(s) of the upset;

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- b. the permitted facility was at the time being operated in a prudent and workman-like manner and in compliance with proper operation and maintenance procedures;
- c. the permittee submitted a 24-hour notification of upset in accordance with the reporting requirements of General Condition III.B.1 above;
- d. the permittee submitted, within five calendar days of becoming aware of the upset, documentation to support and justify the upset; and
- e. the permittee complied with any remedial measures required to minimize adverse impact.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

#### 7. Sewage Sludge Requirements

The permittee shall comply with all existing State and federal laws and regulations that apply to sewage sludge monitoring requirements and utilization practices, and with any regulations promulgated pursuant to Environment Article, Section 9-230 et seq. or to the Clean Water Act, Section 405 (d). The permittee is responsible for ensuring that its sewage sludge is utilized in accordance with a valid sewage sludge utilization permit issued by the Department. If the sludge is hauled out of the State for disposal, a transportation permit must be obtained from the Department.

#### 8. Power Failure

The permittee shall maintain compliance with the effluent limitations and all other terms and conditions of this permit in the event of a reduction, loss or failure of the primary source of power to the wastewater collection and treatment facilities.

#### 9. Right of Entry

The permittee shall allow the Secretary of the Department, the Regional Administrator of the Environmental Protection Agency, and their authorized representatives, upon the presentation of credentials to enter upon the permittee's premises and:

- a. to have access to and to copy any records required to be kept under the terms and conditions of this permit;

### III. GENERAL CONDITIONS

- b. to inspect any monitoring equipment or monitoring method required in this permit;
  - c. to inspect any collection, treatment, pollution management, or discharge facilities required under this permit; or
  - d. to sample any discharge of pollutants.
- 10. Property Rights/Compliance With Other Requirements

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property, invasion of personal rights, or any infringement of federal, State or local laws or regulations.
- 11. Reports and Information
  - a. Upon request, the permittee shall provide to the Department, within a reasonable time, copies of records required to be kept by this permit. The permittee shall also furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit; or to determine compliance with this permit.
  - b. All applications, reports or information submitted to the Department shall be signed and certified as required by COMAR 26.08.04.01 and 40 CFR 122.22.
  - c. Except for data determined to be confidential under COMAR 26.08.04.01, all data shall be available for public inspection at the Department and the Office of the Regional Administrator of the Environmental Protection Agency. Effluent data shall not be considered confidential.
  - d. Environment Article, Section 9-343 provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance, shall upon conviction be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months or by both.



### III. GENERAL CONDITIONS

12. Transfer of Ownership or Control

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred automatically to another person only if:

- a. the current permittee notify the Department, in writing, of the proposed transfer at least 30 days prior to the proposed transfer date;
- b. the notice includes a written agreement between the existing permittee and a new permittee containing the specific date of proposed transfer of permit coverage, and of responsibilities and liabilities under the permit; and
- c. neither the current permittee nor the new permittee receive notification from the Department, within 30 days of the Department's receipt of the agreement, of its intent to modify, revoke, reissue or terminate the existing permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 12(b) above.

13. New Effluent Standards

This permit shall be revoked and reissued or modified to meet any effluent standard, water quality standard or prohibition established under the Environment Article, the Clean Water Act, or regulations promulgated thereto, and the permittee shall be so notified.

14. Industrial Users

The permittee shall require all industrial users of the wastewater treatment facility to comply with user charges as established by the permittee, pursuant to Section 9-326(a)(i) of the Environment Article.

15. Noncompliance

Nothing in this permit shall be construed to preclude the institution of any legal action for noncompliance with State, federal or local laws and regulations.

16. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action against the permittee or to relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act or under the Environment Article.

### III. GENERAL CONDITIONS

17. Waterway Construction and Obstruction

The permit does not authorize the construction or placing of physical structures, facilities, debris, or the undertaking of related activities in any waters of this State including the 100 year flood plain.

18. Construction Permit

This permit is not a permit to construct. For a new facility, in order to make this permit valid, a construction permit shall be obtained to meet the requirements of COMAR 26.03.12.03(A) and Environment Article, Section 9-204(d).

19. Severability

If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this permit.

C. Wastewater Collection System

This permit shall not authorize discharges from the wastewater collection system for this facility.

1. Reporting Requirements

Pursuant to Environment Article Sub title 9-331.1, the permittee must report sanitary sewer overflows (SSOs) which result in the direct or potential discharge of raw or diluted sewage into the surface waters or ground waters of the State to the Water Management Administration's Compliance Program. Such reports must be made via telephone as soon as practicable, but no later than 24 hours after the time that the permittee became aware of the event. Reportable SSOs include, but are not limited to, overflows into the surface of the ground, into waterways, storm drains, ditches or other manmade or natural drainage conveyances to surface or ground waters which are reasonably likely to reach waters of the State. Overflows that are wholly contained within buildings and not likely to discharge to waterways need not be reported. Treatment plant bypasses shall be reported under General Condition III.B.1. Telephone reports shall be made to (410) 537-3510 on weekdays between 8:00 a. m. and 5:00 p.m. After hours telephone notification shall be made to emergency response number at (866) 633-4686.

### III. GENERAL CONDITIONS

#### C. Wastewater Collection System, continued

When the incident is reported to the Department, the following information needs to be included:

- a. the location of the overflow, including city or county,
- b. the name of the receiving water, if applicable;
- c. an estimate of the volume of sewage discharged;
- d. a description of the sewer system or treatment plant component from which the overflow was released (such as manhole, crack in pipe, pumping station wet well or constructed overflow pipe);
- e. an estimate of the overflow's impact upon public health and to waters of the State;
- f. the cause or suspected cause of the overflow;
- g. the estimated date and time when the overflow began and stopped or the anticipated time the overflow is expected to continue;
- h. if known at the time of reporting, the steps taken or planned to reduce, eliminate and prevent reoccurrence of the overflow and a schedule of major milestones for those steps; (if unknown at the time the telephone report is made, the steps must be included in the written reports submitted under general conditions III.C.2).
- i. if known at the time of reporting, measures taken or planned to mitigate the adverse impact of the overflow and a schedule of major milestones for those steps (if unknown at the time the telephone report is made, the steps must be included in the written reports submitted under general conditions III.D.2); and
- j. whether there has already been a notification to the public and other City or County Agencies or Departments and how notification was done.

#### 2. Written Reports

Within 5 calendar days following telephone notification of the event, the permittee shall provide MDE with a written report regarding the incident that includes, at a minimum, the information cited above.



### III. GENERAL CONDITIONS

#### 2. Written Reports

The permittee shall maintain copies of all overflow records and reports, work orders associated with investigation of overflows, a list and description of complaints from customers or others related to overflows (including backups of sewage in to houses or businesses), and documentation of performance and implementation measures for minimum period of three years and shall make this information available to MDE for review upon written request.

This wastewater collection system provision may be superseded by a general permit for collection systems, when such a permit is issued by MDE and the permittee have been accepted for registration under the permit.

#### D. Permit Expiration, Modification, or Revocation

##### 1. Expiration of Permit

This permit and the authorization to discharge shall expire at midnight on the expiration date of the permit unless the permittee has submitted a timely and complete reapplication pursuant to Section II.I.

##### 2. [Reserved.]

##### 3. Permit Modification - Request of Responsible Permittee

A permit may be modified by the Department upon the written request of the permittee and after notice and opportunity for a public hearing in accordance with the provisions set forth in COMAR 26.08.04.10.

##### 4. Permit Modification, Suspension, Revocation - Violation of Laws

A permit may also be modified, suspended or revoked by the Department, in the event of a violation of the terms or conditions of the permit, or of State or federal laws and regulations and in accordance with the provisions set forth in COMAR 26.08.04.10. This permit may be suspended or revoked upon a final, unreviewable determination that the permittee lacks, or is in violation of, any federal, state, or local approval necessary to conduct the activities authorized by this permit.

#### IV. CIVIL AND CRIMINAL PENALTIES

##### A. Civil Penalties for Violations of Permit Conditions

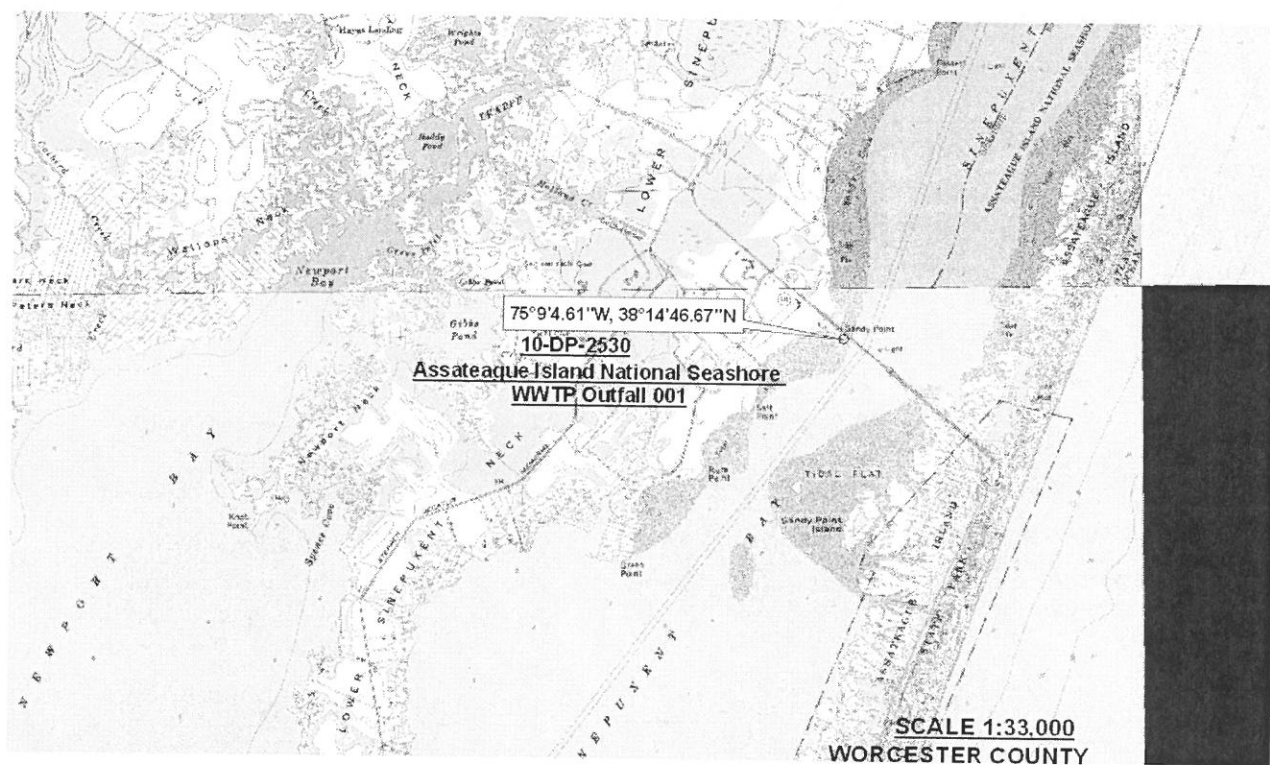
In addition to civil penalties for violations of State water pollution control laws set forth in Section 9-342 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that any person who violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act or in a permit issued under Section 404 of the Act, is subject to a civil penalty not to exceed \$32,500 per day for each violation.

##### B. Criminal Penalties for Violations of Permit Conditions

In addition to criminal penalties for violations of State water pollution control laws set forth in Section 9-343 of the Environment Article, Annotated Code of Maryland, the Clean Water Act provides that:

1. any person who negligently violates Section 301, 302, 306, 307, 308, 318, or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$2,500 nor more than \$27,500 per day of violation, or by imprisonment for not more than one year, or by both.
2. any person who knowingly violates Section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than three years, or by both.
3. any person who knowingly violates Section 301, 302, 306, 307, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under Section 402 of the Act, or in a permit issued under Section 404 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, is subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both.
4. any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained under the Act, is subject to a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both.

## V. MAP SHOWING DISCHARGE POINT LOCATION



## VI. NPDES PROGRAM

On September 5, 1974, the Administrator of the U.S. Environmental Protection Agency approved the proposal submitted by the State of Maryland for the operation of a permit program for wastewater discharges pursuant to Section 402 of the Clean Water Act.

Pursuant to the aforementioned approval, this discharge permit is both a State of Maryland discharge permit and an NPDES permit.

A handwritten signature in cursive script, reading "Jay G. Sakai", followed by a horizontal line.

Jay G. Sakai, Director  
Water Management Administration